THEORETICAL-LEGAL FEATURES OF ENSURING THE CONSTITUTIONAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL IN THE ACTIVITIES OF LAW ENFORCEMENT BODIES

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ABSTRACT

The article develops scientific proposals and recommendations aimed at theoretical-legal aspects of ensuring the constitutional rights and freedoms of the individual in the activities of law enforcement bodies, the inviolability of the individual, the concept of restriction of the rights, classification, personal, political, socio-economic rights and freedoms, the priority of human rights in judicial reform in Uzbekistan, its legal basis, including new laws, amendments and additions to existing laws, decisions and decrees, their content, situations that prevent enforcement mechanism, to eliminate torture and other cruel, inhuman or degrading treatment or punishment, to increase the responsibility of officials responsible for them, to strengthen the liability of the authorities, to improve the criteria for assessing the performance of managerial personnel, to create extensive opportunities for public control in this process, enhancing the role of defender, as well as achieving the effectiveness of control bodies.

Keywords: human rights, human rights and freedoms, torture, cruelty, honor, dignity, international-legal documents, convention.

1. INTRODUCTION

The years of independence and sovereignty of the Republic of Uzbekistan made it possible to implement the most daring, truly revolutionary transformations in the country's higher education system. Based on the idea of priority attention to the problem of teaching languages as the most important means of becoming a highly qualified specialist, the problem of teaching languages in the country is given priority.

Traditionally, level-based teaching is understood as "such an organization of the educational process, in which each student has the opportunity to master the educational material in individual subjects of the program at different levels" [1, p. 6].

In essence, this is a real reform, since it required a significant restructuring in the organization of the educational process. First of all, it is required to form a new thinking, a new look at language training among teachers of language disciplines and the students themselves. Secondly, it is necessary to develop a concept of level teaching of languages within the framework of university training for bachelors. Thirdly, and this is the most laborious thing - to provide educational and methodological support for the academic discipline, the Russian language.

Let's consider innovative pedagogical technologies in relation to such an academic discipline as Russian for non-Russians. The enormous scope and scale of Russian linguodidactic science during the years of Soviet power made it possible to create a harmonious, scientifically grounded system of teaching the Russian language in the national school. In the new socio-cultural conditions, the course of practical Russian has undoubtedly undergone changes, expressed by a certain weakening of interest in the Russian language and the motivation for studying it.

These factors objectively lead to the fact that today there is an acute problem of the effectiveness of the process of teaching the Russian language. The reduction in hours for discipline and a very low level of motivation of students results in increased requirements for the quality of teaching, the need to use more effective innovative pedagogical technologies, revision of methodological strategies, tactics, priorities. So, at the present stage of development of a polyethnic, multicultural Uzbek society, the Russian language course at a technical university for persons who graduated from school with a non-Russian language of instruction performs a general educational function, being a means of obtaining scientific information in Russian.

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training of a specialist at a university. The task of the teacher in teaching the Russian language and the culture of speech is to develop the types of speech activity as required by the natural conditions of speech improvement. The most effective learning technologies should be considered those that are aimed at increasing the emotional and motivated attitude of students to their future profession.

Questions of speech interaction are always relevant, since the word is at the center of human activity and therefore is the main means of enriching the culture of relations between people. The culture of speech is a wide phenomenon, it includes all types of speech activity. Practice shows that most of the students of non-philological universities have an insufficiently high level of speech development. However, in modern conditions it is necessary for the future specialist to be competitive in the labor market.

The development of linguistic creativity is an integral part of human development as a whole. The communicative development of students is given special importance, since it is quite rightly seen as the guarantee of the successful formation of a socially active personality. However, in real practice, the student still remains the executor of the instructor's instructions, educational activity does not encourage him to creative realization and self-development. The success of the formation of skills and communication skills depends not only on knowledge and exercises, but also on the communication abilities and attitudes of a particular person. They are expressed in the speed of mastering communication techniques.

The defining features of the formed linguistic personality are: attention to the quality of modern speech; compliance with language norms; improving their own communication skills; clarity of positions in relation to the native language; awareness of the value of language as a special culture.

This determines the setting of a specific goal:

- the formation of communicative competence in future specialists, the ability to solve communicative tasks in everyday educational, household, social spheres by speech means of the Russian language.

This means that at the end of the course, the student must:

- to understand spoken and written speech,
- extract information from scientific and educational, popular science and scientific texts,
- freely communicate on a given topic, express your opinion,
- be able to draw up business papers of a personal nature, different types of plans, as well as abstracts, notes and other reproductive genres of scientific speech.

The Russian language course should be structured in such a way as to contribute to the development of students' conscious attitude to linguistic phenomena, the development of the ability to independently analyze them and use them in speech, which is facilitated by the skills of transformation, compression, selection of synonyms (lexical and grammatical).

Taking into account the typical difficulties of mastering Russian as a non-native language, the interference of the native language is reflected in the strengthening of preventive work on:

- agreement in gender, number and case of adjectives and other parts of speech and forms that change according to the adjective type of declension;
- species-tense forms of the verb;
- pronunciation of specific sounds and sound combinations, moving stress and intonation of interrogative sentences without interrogative words;
- the structure of the proposal, including the complex (complex and non-union).

2. METHODS

The word "right" is expressed as an opportunity to obtain any social wealth, and the word freedom is interpreted as an opportunity to perform (implement) this or that action, hence it is acknowledged that "every constitutional freedom is at the same time the right of the human" [1; pp. 49-58].

Freedom of the person is given to the human and is an opportunity to think, to act, to achieve the purposes within the limits of the views, desires and imagination. In daily life, the human's freedom means to act voluntarily, regardless of one's will or force [2, p. 10].

Law determines the existence of freedom of the individual in the society, and duty specifies the norms and limits of this freedom and imposes social responsibility on the individual. The legitimate interest is not always reflected in the rights of the individual, but it is under the protection of the state [3; 426]. The state protects the

interests of itself and society as a whole along with the protection of the rights and legitimate interests of the human [4; p. 114]. Law scholar D.M. Mirazov considers that "... human freedom should be up to the limit where the rights of others begin" [5; pp. 18-19]. In fact, every right is the kind of freedom. The norm of the person's freedom is determined by the collection of the constitutional and procedural rights that belong to him/her in the criminal proceedings [2; p. 11]. It is expedient to divide the human's constitutional rights into areas, types and forms based on their features, content and method of implementation due to the complicated classification of the legal limitations.

Firstly, the sphere of restriction of the constitutional rights of the person means that the restriction depends on this or that legal system, and therefore the sectoral restrictions are classified as the following: 1) constitutional; 2) civil-legal; 3) administrative-legal; 4) criminal-legal; 5) criminal procedural; 6) criminal-executive; 7) unrelated to the field of law.

Secondly, measures to restrict the individual's rights can be classified according to the following criteria: 1) by essence - material and procedural;

2) by the way of reflection in the law - directly and indirectly; 3) by type of the restricted rights and freedoms - civil, political, economic-social and socio-cultural; 4) by type of regulatory legal act - law and normative act; 5) for the period of validity - forever and temporary; 6) on the level of legality - legal and illegal; 7) by size - full and part.

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3. RESULTS

The fundamental rights and freedoms stipulated in the Constitution are studied and classified in several groups in the aspect of constitutional law. Views about the person, his role in the society and the state, his function are based on these classifications. Accordingly, the essential human rights and freedoms can be divided into the following groups:

1) Personal rights and freedoms;

- 2) Political rights and freedoms;
- 3) Socio-economic rights and freedoms.

In case one does not see his/her guarantee and support in the symbol of the law, one will move away from appreciating, respecting and honoring it. The impossibility of exercising one's right deprives a person of his right. His devotion to the right returns, skepticism arises. However, it has long been known that the idea of human rights does not contradict the idea of the strong state [4; p. 114].

As it is known from the history, there were various threats and aggressions against the person and his property due to the fact that s/he had some information about the crime. Therefore, the state, which is the guardian of the justice, truth and law enforcement, assumes the physical and property inviolability of victims, witnesses and other persons in order to ensure fairness and impartiality in the consideration of the case [8].

The inviolability of the person is a general legal institution, which is also studied in terms of the state and the rule of law. This institution is generally concerned with the physical, mental, moral and psychic integrity of the individual, and in part to his or her personal freedom and security. This institution has special place in the sphere of law.

Freedom of the person is given to the human and is an opportunity to think, to act, to achieve the goals within the limits of the views, desires and imagination [2; p. 50].

The legal framework for ensuring the constitutional rights and freedoms of the person in the activities of law enforcement agencies is being improved as a result of judicial and legal reforms in the country [9].

The basic norms on the rights and freedoms of the person are reflected in the Criminal-Procedural Code as stipulated in the Constitution of the Republic of Uzbekistan. In particular, the Article 13 of the Constitution states that "Democracy in the Republic of Uzbekistan shall be based on the principles common to all mankind, according to which the ultimate value is a human being, his life, freedom, honor, dignity and other inalienable rights. Democratic rights and freedoms shall be protected by the Constitution and laws", and the Article 17 of the Criminal-procedural code stipulates that "Judge, prosecutor, investigator and interrogator must respect the honor and dignity of the participants of the case".

It is reflected that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". Punishment and other legal measures are not intended to inflict physical suffering or discriminate against human dignity pursuant to the Article 7 of the Criminal Code (the principle of humanity). According to the Article 345 of the Criminal-procedural Code (jurisdiction of the criminal case), the General Prosecutor of the Republic of Uzbekistan or his deputies transfer the case from one preliminary investigation organ to another when torture and other cruel, inhuman or degrading treatment is used in the preliminary investigation.

The use of any information obtained illegally in the criminal proceedings, including audio and video materials, material evidence, is strictly prohibited. Torture, violation of the right to protection, deception and other illegal methods of investigation are prohibited [10; pp. 309-310].

The torture, violence, intimidation, deception and other cruel or degrading treatment of person, as well as the evidence obtained as a result of violation of the right of defense of the suspect, accused, including the application of other illegal measures, can not be used as the basis for prosecution in accordance with the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan "On judicial practice on the application of law in the protection of the suspect and the accused" [11].

The signs of illegal actions related to torture and other cruel, inhuman or degrading treatment or punishment are reflected in the international normative acts guaranteeing the constitutional rights and freedoms of the individual in the activities of law enforcement agencies, such as the United Nations adopted on December 10, 1984 and the Convention which is followed by the Republic of Uzbekistan on August 31, 1995.

"It should be highlighted that torture violations in the investigation are committed by low-level staff with insufficient experience and qualifications in their profession. They do this because of their illiteracy to identify the crime legally"[12].

Authorized officials who commit such crimes are subject to deprivation of certain rights and imprisonment for three to ten years under the Article 235 of the Criminal Code (torture and other cruel, inhuman or degrading treatment or punishment).

4. CONCLUSION

Punishment became an important piece of legislation aimed at ending the types of torture and other cruel, inhuman or degrading treatment in connection with the adoption of measures to strengthen the guarantees of the rights and freedoms of citizens during the investigation on the basis of the Law "On Amendments and additions to some legislative acts of the Republic of Uzbekistan" [13].

"Torture, violence, other cruelty or conduct in a manner that degrades human dignity is prohibited to the staff of internal affairs organs. The staff of the internal affairs organs must put an end to actions that intentionally cause pain, physical or mental suffering to the citizen", according to the Article 8 entitling "The principles of observance of the rights, freedoms and legitimate interests of citizens and respect for these rights, freedoms and legitimate interests" of the Law of the Republic of Uzbekistan "On Internal affairs organs" [14]. In addition, the criminal liability is imposed on officials responsible for criminal proceedings for acts that infringe on the person's constitutional rights and freedoms in the Criminal Code, such as Violation the equality of citizens (Article 141), Violation of privacy (Article 141¹), Violation of the legislation on personal data (Article 141²), Violation of the inviolability of the home of citizens (Article 142), Violation of the order of confidentiality of correspondence, telephone conversations, telegraph messages or other messages (Article 143), Violation of the legislation on appeals of individuals and legal entities (Article 144), Prosecution of an innocent person (Article 230), Making unfair sentence, verdict, ruling or decision (Article 231), Unlawful detention or arrest (Article 234), intentional concealment of the crime (Article 241¹) and so forth. The amendments and additions were made to the Law of the Republic of Uzbekistan "On the Authorized person of the Oliy Majlis for Human rights (Ombudsman)" in 2019. The Institute of national preventive mechanism has been introduced under the Ombudsman. According to it, the Ombudsman shall take measures to prevent torture and other cruel, inhuman or degrading treatment or punishment through regular visits to places of detention.

The regulation on the expert group to assist the Ombudsman in preventing torture and other cruel, inhuman or degrading treatment or punishment has been approved in connection with the joint resolution of the Council of the Legislative Chamber of the Oliy Majlis and the Senate of the Oliy Majlis.

The Ombudsman submitted an alternative report to the UN Committee against Torture on the implementation of its obligations under the Convention against Torture and other cruel, inhuman or degrading treatment or punishment for the first time, within its authority in 2019 [15].

"A number of recommendations have been given for the introduction of legal, institutional mechanisms for effective system of torture prevention in association with international law, as well as in preventing torture, receiving and reviewing applications and rehabilitating victims of torture in the final objections to the fifth periodic report of Uzbekistan, issued by the UN Committee against Torture on 14 January 2020" [16]. The above-mentioned proposals and recommendations require the development of draft regulations aimed at improving the effectiveness of the national system for the prevention of torture in law enforcement bodies, improvement the system of prevention of torture in the activities of operational-search, investigation and implementation of criminal punishment bodies.

This, in turn, serves to the protection of human rights in the activities of law enforcement bodies, ultimately increases the role of our country in international rankings and indices.

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